

2. (Amended) The method of claim 1, wherein the boundaries of the area define a volume.

3. (Amended) The method of claim 1, further comprising the step of defining boundaries of a second area overlapping a portion of a first defined area.

4. (Amended) The method of claim 1, further comprising the step of defining boundaries of a second area overlapping a portion of a first defined area; and wherein the first area and the second area differ with respect to a degree of influence over an amount of resources that may be acquired.

5. (Amended) The method of claim 1, wherein the amount of resources that may be acquired is further responsive to a means for the acquisition of resources.

6. (Amended) The method of claim 1, wherein the amount of resources that may be acquired is further responsive to a distance to a means for the acquisition of resources.

7. (Amended) The method of claim 1, wherein the amount of resources that may be acquired is further responsive to a distance to, and a magnitude of, a means for the acquisition of resources.

8. (Amended) The method of claim 1, further comprising the step of defining boundaries of a second area overlapping a portion of a first defined area; and wherein the overlapped portion has an effect on a rate at which resources may be acquired from the overlapped portion.

9. (Amended) The method of claim 1, further comprising the step of defining boundaries of a second area overlapping a portion of a first defined area; and wherein the overlapped portion has an effect on a total quantity of resources that may be acquired from the overlapped portion.

10. (Amended) The method of claim 1, wherein the area covers at least a portion of one of a plurality of resource zones having different densities of resources.

11. (Amended) The method of claim 1, wherein the area covers at least a portion of one of a plurality of resource zones having qualitatively different resources.

12. (Amended) A method of playing a game, the method comprising the steps of:
defining, in direct response to a playing of a game, boundaries of a first area, the boundaries not being drawn in advance of the playing of the game, the first area comprising resources which may be acquired;
defining boundaries of a second area overlapping at least a portion of the first area;
impacting an acquisition of resources from the portion of the first area being overlapped by the second area; and
enabling an acquisition of resources from a portion of the first area not being overlapped by the second area.

13. (Amended) The method of claim 12, wherein the impacting of an acquisition of resources reduces a rate that resources may be acquired from the portion of the first area being

overlapped by the second area.

14. (Amended) The method of claim 12, wherein the impacting of an acquisition of resources prevents the acquisition of resources from the portion of the first area being overlapped by the second area.

15. (Amended) The method of claim 12, wherein the impacting of an acquisition of resources is responsive to a comparison of a means utilized to define the first area to a means utilized to define the second area.

16. (Amended) The method of claim 12, wherein the impacting of an acquisition of resources is responsive to a comparison of a capability to acquire resources from the first area to a capability to acquire resources from the second area.

17. (Amended) A method of playing a game, the method comprising the steps of:
defining, in direct response to a playing of a game, boundaries of a first area, the boundaries not being drawn in advance of the playing of the game, the first area covering at least a portion of one of a plurality of resource zones from which resources may be acquired, the covered portion defining a potential resource collection area;
defining a second area overlapping at least a portion of the potential resource collection area;
impacting an acquisition of resources from the portion of the potential resource collection area being overlapped by the second area; and
enabling an acquisition of resources from a portion of the potential resource collection area not being overlapped by the second area.

18. (Amended) The method of claim 17, wherein the impacting of an acquisition of resources reduces a rate that resources may be acquired from the portion of the potential resource collection area being overlapped by the second area.

19. (Amended) The method of claim 17, wherein the impacting of an acquisition of resources prevents the acquisition of resources from the portion of the potential resource collection area being overlapped by the second area.

20. (Amended) The method of claim 17, wherein the impacting of an acquisition of resources is responsive to a comparison of a capability to acquire resources from the first area to a capability to acquire resources from the second area. --

Response:

The Office Action mailed September 20, 2002, rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Cordry et al. U.S. patent number 4,687,206 ("Cordry").

In its 35 U.S.C. § 102(b) rejection of claim 1, the Office action asserted that "Cordry et al. discloses a method of playing a game as best seen in Figure 1, which comprises enabling a player to define a first area within a map (12) (column 3, lines 66-68 onto column 4, lines 1-7)".

The Office Action's interpretation of what Cordry discloses is respectfully traversed.

Cordry's "Global Domination Board Game" shows territories that are drawn and preprinted on a board in advance of the playing of the game. That is, Cordry's method of playing a game does not include the step of defining a territory. The territories are defined prior to the manufacturing of the game. Cordry's method of playing a game only envisions the selection of previously defined territories.

While applicant respectfully traverses the Office Action's rejections of the claims, in order to render moot the issue of whether or not Cordry discloses "defining" an area as opposed to in fact "selecting" an area, to expedite prosecution, and without prejudice or disclaimer to their underlying subject matter, independent claim 1 has been amended to call for "*defining, in direct response to a playing of a game, boundaries of an area, the boundaries not being drawn in advance of the playing of the game*"; and independent claims 12 and 17 have been amended to call for "*defining, in direct response to a playing of a game, boundaries of a first area, the boundaries not being drawn in advance of the playing of the game*".

As indicated at the outset, Cordry's board game shows territories with boundaries that are drawn and preprinted on a board in advance of the playing of the game. In Cordry, even when a player selects a plurality of territories, the boundaries of the resulting combination of territories were drawn in advance of playing of the game. Cordry's board game does not disclose, anticipate, or render obvious and in fact teaches away from "*the boundaries not being drawn in advance of the playing of the game*" as is being presently claimed.

As is detailed in the specifications, "*defining, in direct response to a playing of a game, boundaries of an area, the boundaries not being drawn in advance of the playing of the game*", offers capabilities and advantages not anticipated or rendered obvious by the methodologies of Cordry and of prior real-time strategy games. See for example, page 5, lines 23-25; page 8, lines 11-14; page 13, lines 14-18; page 15, lines 8-12; page 16, lines 23-29; and page 18, lines 5-7, incorporated herein by reference.

In rejecting claims 1-20, the Office Action failed to address the limitations of claims 2-20. Applicant does not know why claims 2-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cordry. For example, where does the Office Action assert, or point out, where Cordry anticipates "*wherein the overlapped portion has an effect on a rate at which resources may be acquired*", as was, for example, originally and presently called for by dependent claim 8? Where does the Office Action assert, or point out, where Cordry anticipates a "*second area overlapping at least a portion of the first area*", as was, for example, originally and presently called for by independent claim 12? Where does the Office Action assert, or point out, where Cordry anticipates "*impacting an acquisition of resources from the portion of the potential resource collection area being overlapped by the second area*", as was, for example, originally and presently called for by independent claim 17? Where does the Office Action assert, or point out, where Cordry anticipates "*wherein the impacting of an acquisition of resources reduces a rate that resources may be acquired from the portion of the potential resource collection area being overlapped by the second area*", as was, for example, originally and presently called for by dependent claim 18?

Each of the claims 2-20, as originally drafted, comprise patentably material limitations which Cordry does not anticipate or render obvious. Each of the claims 2-20, as originally drafted and presently amended, also claim useful, novel, nonobvious, and enabled inventions, clearly described in the specification, that offer advantages not anticipated or rendered obvious by Cordry, other of the cited references, or by prior art games known to applicant.

It is respectfully submitted that, for those reasons, each of the outstanding independent and

dependent claims individually particularly point out and distinctly claim patentable subject matter which overcome the Office Action's objections, and are not anticipated or rendered obvious by the cited art.

Applicant believes that the application and claims are in condition for allowance, which action is respectfully solicited. In the event that the Examiner does not find the claims entirely suitable, applicant requests assistance under MPEP § 707.07(j), which instructs:

When an application discloses patentable subject matter and it is apparent from the claims and applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and, when possible, should offer a definite suggestion for correction.

By the above amendments and response, applicant has attempted to diligently respond to each of the principal issues raised by the Office Action. If a particular assertion or remark in the Office Action is deemed not to be directly or indirectly addressed, it should not be interpreted as indicating agreement with such an assertion or remark. For purposes of presentation, applicant's remarks have been provided in as simple a manner as possible, and do not embody the richness or breadth of the specification of the present inventions. Attention has been drawn to some but not all of the patentably distinguishing features, results, and advantages. Nothing stated or unstated in the remarks should be construed, interpreted, or understood as limiting, or otherwise constraining the scope of the specifications or claims of any of applicant's inventions.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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